

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE BIOPURE CORPORATION
SECURITIES LITIGATION**

Master Docket No. 1:03-CV-12628 (NG)

Assigned to Judge Nancy Gertner

**DEFENDANTS' ASSENTED-TO MOTION
FOR LEAVE TO EXCEED PAGE LIMIT**

Defendants Biopure Corporation (“Biopure”), Thomas Moore, Carl W. Rausch, J. Richard Crout, Charles A. Sanders, Howard P. Richman, and Ronald F. Richards (“Defendants”) with the assent of Plaintiffs, respectfully move this Court for leave to submit a Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification (“Memorandum of Law”) in excess of the standing 20-page limit (not to exceed 40 pages) provided in Local Rule 7.1(B)(4).

As grounds for this Motion for Leave to Exceed Page Limit (“Motion”), Defendants state the following:

1. Plaintiffs assent to the relief sought by this Motion.
2. Plaintiffs seek to certify a class and subclass of investors, based on allegations of a lengthy series of complaints. Plaintiffs' class certification motion raises numerous issues concerning whether Federal Rule of Civil Procedure 23 can be satisfied to permit certification of the putative class and a sub-class. Analysis of these issues requires quotations from lengthy deposition transcripts and the complaints in this action, and case law on numerous issues. The Memorandum of Law includes thorough analysis of the foregoing which will assist the Court in resolution of Plaintiffs' Motion for Class Certification, and that might otherwise be compromised if confined to the 20-page limit.
3. Defendants agree to a future request by Plaintiffs to submit a Reply to Defendants' Memorandum of Law not to exceed 40 pages.

WHEREFORE, Defendants respectfully request leave to submit a Memorandum of Law in Support of their Motion in Opposition to Plaintiffs' Motion for Class Certification in excess of the 20-page limit.

July 25, 2006

Respectfully submitted,

BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH, CHARLES A. SANDERS, J. RICHARD CROUT, HOWARD P. RICHMAN, and RONALD F. RICHARDS,

By their attorneys,

/s/ Robert A. Buhlman

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LOCAL RULE 7.1(a)(2) and 37.1 CERTIFICATION

I hereby certify that counsel for Defendants conferred with counsel for the Plaintiffs in a good faith effort to resolve or narrow the issues presented in this motion, and Plaintiffs' counsel consents to the relief sought herein.

/s/ Michael D. Blanchard
Michael D. Blanchard

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on July 25, 2006.

/s/ Michael D. Blanchard

Michael D. Blanchard